



**City of Bella Vista  
Street and Right of Way Excavation  
Permit Manual**

Dated: February 8, 2013

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## **Section II – Detail Requirements & Specifications**

### **1. Permit Requirements**

The following types of operations within the City limits of Bella Vista, Arkansas streets and rights of way require a written application for permit issuance by the Bella Vista Street Department, before any work can be performed:

To construct, repair, install and maintain sewers, drains, water mains, gas mains, telephone and electrical conduits and service connections thereto, pavement extensions, manholes, inlets, curbs.

The issuance of a permit to an applicant to perform any of the above operations does not relieve the applicant in any way from complying with rules, regulations, laws and acts of other state or local agencies or departments.

Public utilities, utilizing a subcontractor to do the work, will identify on permit application the name of subcontractor and provide proof that the subcontractor is covered with proper amounts of insurance. The utilities shall be responsible for obtaining the permit. Certain public utilities may be exempt from permit requirements depending on their franchise agreements with the City of Bella Vista.

### **2. Surety Bond**

No such permit shall be issued until after the applicant has deposited with the City of Bella Vista a surety bond guaranteeing that any excavation, boring or jacking made under such permit will be restored without cost to the City. Such bond shall be determined by the Street Department Superintendent or designee based upon the extent of the work proposed and shall be a minimum of \$1,000. If, in the course of work, the permittee is required to take out an additional permit due to additional work being performed, the bond amount may be increased to cover the additional work. In certain circumstances a “cashier’s check” may be accepted in lieu of a surety bond. In some cases an outstanding bond covering multiple excavations or borings or jacking’s may be established.

### **3. Insurance Requirements**

The minimum limits of insurance including automobile shall be as follows:

Public Liability, Bodily Injury, and Property Damage:

- |     |  |             |
|-----|--|-------------|
| (1) | Injury or death sustained by one or more persons as the result of any one occurrence                     | \$1,000,000 |
| (2) | Aggregate bodily injury limit for operations away from premises owned by or rented to the named insured. | \$1,000,000 |
| (3) | Property Damage  | \$500,000   |

Automobile and Truck Public Liability Bodily Injury and Property Damage:

- |     |  |             |
|-----|--|-------------|
| (1) | Injury or death to one person                                      | \$500,000   |
| (2) | Injury to more than one person as the result of any one occurrence | \$1,000,000 |
| (3) | Property Damage  | \$500,000   |

Workmen’s Compensation as required by law.

### **4. Application for Permit**

Each application form shall be completely filled in and signed by a responsible party of the firm and presented to the Street Department. An explanation of the application sketches or a separate sheet in duplicate shall be attached to the application. Such diagrams or sketches shall show the location of the

work to be done in relation to the outstanding features of the road, such as, property lines, intersections, pavement lines, sidewalks, trees, drainage structures and utility poles by number and the character and extent of the work. They shall also indicate the size of the pavement cut proposed.

When applications are made for permits involving work of major scope, as determined by the City Engineer or his representative, complete plans and specifications must be submitted in duplicate with the application form. They should be sufficiently detailed so that the exact location of the various parts of the work, the risk of injury to road users and the probability of damage to trees, highway structures and private property can be ascertained.

The applicant will be required to disclose the methods and materials proposed to be used on unusual or complex projects.

In the event the Permittee discovers that additional work or repairs not designated in the original permit must be done in the same location, the Permittee must submit a new application to the City of Bella Vista for a permit to authorize the additional work in the same manner as the first permit. Additional work shall be defined as changing the size of the road cut by 10% or more, changing the scope to include items of work not indicated in the original permit or work that the Street Department Superintendent or his designee deem as additional.

Permits will be issued after all required information is supplied, all insurance and bonding requirements are met, all fees collected and a careful review of the application is completed. It is anticipated that a permit can be issued within two (2) working days after application is received.

The applicant shall be responsible for contacting the Bella Vista Police Department Dispatch to notify them of proposed road work. Dispatch will need to know the location of the proposed work, a description of the proposed work, start date, and time frame if the excavation involves a street closure.

The applicant shall also contact "Call Before You Dig" at 1-800-482-8998 to obtain a CBYD ticket number pursuant to Arkansas Underground Utility Protection guidelines. This ticket number must appear on the application.

## **5. Permit Fees – Bond Amounts**

The fees for every permit issued are as follows:

- a. Application Fee \$15.00
- b. The amount for a boring or jacking permit shall not be less than One Thousand Dollars
- c. The amount for an open cut shall be a minimum of One Thousand Dollars or estimated by the City of Bella Vista's current fee schedule for street repairs and then multiplied by 150%
- d. In the case of sidewalks, curb and gutter, or other public way, the amount shall be determined by the current fee schedule and then multiplied by 150%.

## **6. Rejection of Applications**

When it appears that the work called for in an application would cause substantial or needless damage to a highway or create excessive disturbances to traffic or exceptionally dangerous conditions because of the construction method proposed by the Permittee or because proper safeguards were not indicated, the request for permit will be denied. The applicant will be informed of such rejection with an explanation of the reasons for the rejection. The applicant shall revise his proposed method of construction, incorporating proper safeguards and equipment and resubmit his application. In no case may an applicant be permitted to close a dead end street and restrict emergency vehicle access.

The Street Department Superintendent, or his designee, may refuse to issue a permit to any person, company or utility when, in their opinion, work performed under a permit theretofore issued to the applicant has not been properly executed or when said applicant has failed to reimburse the City for recoverable charges billed under terms covering the previous permit.

## **7. Emergency Permits**

Nothing in this Manual shall prevent any person from opening any street, alley, sidewalk, roadway, or other public way as may be necessary for the preservation of life or property when necessity may arise during the times when City offices are closed. The person making such excavation shall make application for permit within 24 hours after City offices are first opened subsequent to the making of such excavation.

## **8. Permit Display**

A copy of the permit shall be available at the job site at all times for inspection by local police, Public Works personnel and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Street Department Superintendent or his designee. This regulation will also apply to public utilities and their subcontractors.

## **9. Extension of Time**

All required work shall be completed in a manner satisfactory to the City before the assigned date shown on the permit except in cases where permanent repairs such as loaming and seeding must be made at a future date. Otherwise, the permit holder shall request the City to allow him an extension of time. Extensions of time may be granted upon written request by the Permittee stating the reason(s) for the request.

## **10. Claims**

The applicant must agree, as a condition governing the issuance of a permit, he will hold harmless the City of Bella Vista, its officers, agents and employees from any and all claims and actions whatsoever arising from the exercises of said permit.

## **11. Responsibility for Boundary Lines**

Permittee shall retain their own land surveyors to establish the line or otherwise inform themselves of the demarcation between public lands and private holdings.

## **12. Replacement of Improvements within the Limits of the City Right of Way or Public Property**

The Permittee, at his own expense, shall repair or replace any damage to sidewalks, curbs, driveways, lawns, mailboxes, and any other apertures caused by his activities under the permit in as good condition as before the work was started. This repair and replacement work shall be supervised by the City of Bella Vista's inspector assigned to the project. The replacement of any damaged or removed property monuments or pins shall be done by a surveyor registered for such work in the State of Arkansas.

### **13. Bored or Jacked Street Crossings – Requirements**

The intent of this section is that all street, alley, sidewalk, road, highway or other public way, or curb and gutter crossings by utilities and other parties shall be required to be bored unless an open cut is approved by the City of Bella Vista. Open cut approvals shall not be withheld unreasonably providing the Permittee can justify in a written request to the Street Department Superintendent or designee why a bored crossing cannot be achieved. If other utilities are identified to be a conflict for a bored or jacked crossing, the process of “pot holing” to determine the depth of conflicting utilities shall be used if deemed appropriate by the City Street Superintendent.

The requirements for bored or jacked crossings are as follows:

- a. The Permittee shall provide a map that clearly depicts the location of the bored or jacked crossing. In the case where utilities are interfering with the crossing, drawings of said utilities shall be provided.
- b. If the bored or jacked crossing is being done under a City street, alley, sidewalk, road or other public way or curb and gutter the contractor shall identify the actual location by means set forth by the City Street Superintendent as to provide a City inspector with a reference point for final inspection.
- c. The depth of bury on installations which are jacked or bored under any street, road or highway shall have a minimum depth bury of 2.5 feet below the low points of the street cross section to the top of the pipe casing, or 3.5 feet below the bottom of the pavement structure (top of subgrade) to the top of pipe casing, whichever gives the greatest depth, unless otherwise negotiated with the City Street Superintendent. If the pavement section is damaged by the procedure, repairs shall be made per City code.
- d. If it is necessary to have a bore pit outside of the public right of way the Permittee shall provide written approval from the private property owner to be on said property.
- e. Upon completion of a jacking or boring, the Permittee shall contact the City Street Superintendent or designee for an inspection. If the inspection is approved, the bond shall be returned to the Permittee. In the event the inspection fails due to damage to the street, alley, sidewalk, road or other public way or curb and gutter, the Permittee shall make necessary repairs as approved by City ordinance within a stipulated time frame. If the Permittee neglects or refuses to do the repair work in the allotted time frame, the City may have repairs made utilizing the Permittees bond or cashier's check. The City will return the balance of the bond to the Permittee if there is a balance left over after repairs have been made.

### **14. Open Street Cut- Requirements**

The requirements for open street cuts are as follows:

- a. The Permittee shall contact the City of Bella Vista Police Dispatch at the time of closing any street for open street cuts. A return call shall also be made when the street is opened back up. In no case shall a Permittee completely close or restrict emergency vehicle access on a dead end street.
- b. No excavations from the open cut shall be placed in a manner where it would cause inconvenience or safety issues concerning the public. In no case shall such excavations be stockpiled or scattered over the surface of the pavement or impede vehicular or pedestrian traffic flow.
- c. Any open cut made within any street, alley, sidewalk, road, highway, or other public way or curb and gutter in the City of Bella Vista may only remain open no more than a 24 hour duration and in most cases no longer than a normal work day. If repairs cannot be accomplished in a normal work day the cut will need to be filled back in or “plating” may be utilized on a temporary basis

with written approval from the City of Bella Vista Street Superintendent. If the Permittee neglects or refuses or through no fault of his own to follow this guideline, the City may fill in an open cut if it deems it necessary to insure public safety.

- d. The cost of backfill will be deducted from the Permittees bond.
- e. In no case shall an open cut in any street, alley, sidewalk, road, highway or other public way or curb and gutter exceed 400 feet in length at any one time, without written approval by the City of Bella Vista Street Superintendent.
- f. Upon completion of utility repairs within the open cut, the Permittee shall immediately backfill the said cut per City of Bella Vista standard detail drawings and specifications for such repair. If no standard detail drawings or specifications are on file at the time for such a repair, it shall be repaired in a manner approved by the City Street Superintendent. If a permanent repair cannot be accomplished within 72 hours of backfill of any cuts within hard surface streets, alleys, roads, highways, or other public ways the Permittee shall utilize a temporary "cold mix patch" until a permanent repair can be accomplished. The duration of a "cold mix patch" being in place before the permanent repair is done may be negotiated with the City Street Superintendent.
- g. The intent of this section is to insure the safety and welfare of the traveling public, vehicular, pedestrian or other. In the case of an open cut settling or in some cases protruding, the City of Bella Vista will notify the Permittee to make suitable repairs within 48 hours upon notification. If the Permittee neglects, refuses or by no fault of his own is not able to make the repair in a timely manner, the City will make the repair and the Permittee will be billed accordingly or the Permittee's bond will be utilized if necessary. In the case of an "extreme" safety issue concerning a settled or protruded street cut, the City reserves the right to fix it immediately at the cost of the Permit holder.
- h. Inspections on open cut repair in any phase may be required by City of Bella Vista inspectors. Inspections will be done on a random and case by case basis. The Permittee will be notified at the time of application if this is required. In all cases a final inspection will be performed at the end of the Permittee's guarantee for completed open cut repairs.
- i. The intent of this section is to guarantee the City of Bella Vista that open cut repairs or excavations within the Right of Way have not settled or failed to any extent within 120 days of the permanent repair being made by the Permittee or his contractor. The bond or cashier's check will be held by the City until the final approval has been made. It shall be the responsibility of the Permittee to contact the City for the final inspection. If it is concluded that the repair has failed inspection, the City will notify the Permittee to return for the proper repair to be made. All such rejected work shall be removed and replaced within 30 days of notification. If the Permittee neglects, refuses or by no fault of his own does not repair the rejected repair his bond or cashier's check will be forfeited.
- j. The intent of this section is to indicate that the City of Bella Vista may choose to cut and repair any street, alley, sidewalk, road, highway or other public way or curb and gutter for individuals, if the City determines that it is in their best interests. Fees for such services will be determined by the City's current fee schedule.

## **15. Safety to Traffic**

It shall be the duty of the Permittee to make certain that the security of the traveling public is safeguarded and its rights are not unreasonably curtailed. Unless specifically indicated in the permit or authorized by an inspector, the traveled path shall not be obstructed. The portions of the highway which are torn up or which are used for storing materials, or are otherwise unsafe for public travel, shall be adequately protected at all times to avoid the possibility of accidents. Such areas shall be marked at night by lights, flasher beacons or other warning devices as indicated in the Manual of Uniform Traffic Control Devices and as approved by the inspector.

## **16. Excavations in Grass Areas**

Excavations in grass areas shall be backfilled in the same manner and guaranteed per City inspection as indicated in section 14 of this manual, with the exception that the surface shall be returned to its original or better condition, using a minimum of 4 inches of top soil, proper seeding, fertilizing and erosion control devices to establish new vegetation for all of the disturbed areas within native Rights-of Ways. The guarantee process for the Permittee shall begin after 80 percent vegetation has occurred and will continue beyond 120 days until all temporary erosion control devices have been removed by the Permittee following the final inspection approval. In the case where land owners have made improvements within City Right of Ways, with examples being landscaped areas, sod, non-native grasses or other, the Permittee shall be required to restore these areas to the satisfaction of the land owner. The bond amount will be determined by the square yards of the area being disturbed per current fee schedule on file with the City of Bella Vista.

## **17. Drainage Systems**

Any work performed under permit shall be planned and carried out so that drainage systems of the City of Bella Vista are effective at all times. Any damage arising from the failure of the Permittee to properly keep culverts, ditches, inlets, catch basins or any other drainage device from becoming obstructed must be borne by the Permittee and the bond shall be held by the City until such damages are paid. All necessary Erosion and Control measures shall be in place prior to starting of any work.

## **18. Penalty**

Should any excavation, cut, jacking or boring within the right of ways of the City of Bella Vista be willfully started by any person, firm, organization, or contractor before acquiring from the City the proper permit required by this manual, said person, firm, organization, or contractor shall for each violation be punished by a fine not to exceed two thousand dollars (\$2,000.00) and construction activities will cease until a proper permit has been issued.